THE HONOURABLE SRI JUSTICE V.ESWARAIAH

W.P. No. 20152 of 2007

Date:27-09-2007

Between:

Nallamilli Ammi Reddy and another

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Petitioners

AND

The District Collector, East Godavari and two others

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Respondents

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ORDER:

The petitioner seeks a writ of mandamus to declare the action of the respondents in issuing the notices, dated 01.05.2007 in Form No.II under Rule 3 of A.P. Assigned Lands (Prohibition of Transfers) Rules, 2007 to the petitioners for evicting the petitioners from the lands without conducting enquiry covered under notices, dated 01.05.2007, as illegal and arbitrary and consequently set aside the said notices.

It is the case of the petitioners that the first petitioner purchased various extents of lands i.e. Ac.0.43 cents in Sy.No.105/1M, Ac.0.50 cents in Sy.No.105/1Q, Ac.0.50 cents in Sy.No.105/1H, Ac.0.50 cents in Sy.No.105/1H, Ac.0.50 cents in Sy.No.105/1, Ac.0.50 cents in Sy.No.105/1P, Ac.0.50 cents, Ac.0.50 cents, Ac.0.38 cents in Sy.No.105/1B and the second petitioner purchased Ac.1.00 cents in Sy.No.101, Ac.0.50 cents in
Sy.No. 105/1L.

It is stated that the third respondent issued show cause notices calling upon the petitioners to submit their explanations within (15) days as to why the petitioners should not be summarily evicted from the said lands which were purchased by them in contravention of the provisions of the sub-section (2) of Section 3 of the A.P. Assigned Lands (Prohibition of Transfers) Act, 1977. It is stated that the said notices have been served on the petitioners on 10.05.2007 and admittedly the petitioners have not submitted their explanations within the time. Accordingly, the Tahsildar, Biccavolu have passed the final orders on 31.05.2007 and 13.06.2007.

But, suppressing the aforesaid facts of passing the final orders,

this writ petition has been filed by the petitioners questioning the show cause notices alone. The show cause notices themselves have been addressed to the petitioners and that there is no dispute with regard to the service of the show cause notices. Therefore, I am of the opinion that without questioning the final orders, which are appeallable before the Revenue Divisional Officer, the writ petition filed by the petitioners is not maintainable and it is liable to be dismissed.

Accordingly, the writ petition is dismissed with liberty to file appeal against the impugned orders, in accordance with law. No costs.

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V.ESWARAIAH, J.

Date:27.09.2007
ccm